

SLAVERY IN THE MAURYAN PERIOD

(C. 300 B.C. - C. 200 B.C.)

BY

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The information regarding slavery in the Mauryan period is gathered from the *Arthashastra* of Kautilya, the account of Megasthenes and the Inscription of Asoka, the great ¹).

Slaves (*dasas*) have been mentioned in the Kautilya's *Arthashastra* which deals with social, political and economic problems of the contemporary era. Kautilya was the prime minister (*Mahamatya*) of Chandragupta Maurya, the founder of the Mauryan empire. Kautilya was responsible for destroying the Nanda rule and creating the new empire, the Mauryan kingdom. This happened in 3rd century B.C., therefore this treatise can be assigned to the same period. (This treatise has been translated into various languages.)

Megasthenes has written in his account that the Indians did not use aliens as slaves, much less a countrymen of their own ²). He was the historian traveller, who visited India in the beginning of the 3rd century B.C.

Asoka was the grandson of Chandragupta Maurya. He is famous as a religious king in the history of India, who abandoned the policy of war after the loss of millions of lives in the great war fought in Kalinga ³). He tried to mingle religion and politics together and ordered his kinsmen and public to give kind treatment to the slaves and servants ⁴), which could be the greatest religion of all. These rules and orders must have been applied in the Mauryan state.

1) *Arthashastra of Kautilya*, by R. Shamasastri, T. Ganapati Sastri, J. J. Mayer, Baikov, (Russian language).

2) McCrindle, *Ancient India as described by Megasthenes & Arrian*, p. 71.

3) After the war of Kalinga Asoka took a vow never to touch the sword.

4) *Rock Edicts*, No. s. IX and II of Asoka—It runs—"People perform rites or ceremonies for luck on occasions of sickness, weddings, child birth or on a starting on a journey—corrupt the worthless ceremonies. Now there is a lucky

Among all these informations, the Arthasastra of Kautilya gives a detailed account of the slaves and the institutions of slavery. He has devoted a whole chapter to discuss the position of slaves (III, 13. Dasa-Kalpa). Although he has supported this institution by suggesting that this is a necessary element of the society, he provides certain rights to enable them to achieve the emancipation. The idea behind all this was to abolish the rigidity and inhumanity of the traditional slavery.

"The selling and mortgaging by kinsmen of a sudra who is not a born slave and has not attained majority but is an Arya (free) by birth shall be punished with 12 panas. In the case of the Vaisya the amount is double, in that of a Ksatriya it is three times higher and Brahmana has to pay four times higher. If the culprit is not a relative the punishment is to be respectively the first, the second and the third amercements and the death penalty."

Arthasātra III-13

He tried hard to impose certain punishments over those people who were engaged in the deed of selling or buying a member of the higher caste (Arya varna). His laws on slavery indicate that the institution of slavery had become very tough at his time, and being a liberal law-giver he wanted the slaves to be freed. In the Buddhist era (before Kautilya) a slave was a life long bondman. The description of slavery in Kautilya's Arthasastra is so much elaborated that it seems (reaching the conclusion) like that as if the existence of slaves was in quite a good number in the contemporary period as compared to the age of Dharmasutras because in the Dharmasutras there are only three or four examples of slaves and even they are referred to describe certain laws of conduct in the society.

According to Kautilya an Arya cannot be subjected to slavery⁵). This was the main dictum of Kautilyas theory of slavery. This does not

ceremony that may be performed—not worthless like those, but full of fruit—the lucky ceremony of the Dhamma (religion) and therein is included right conduct towards slaves and servants, honour to the teachers, self restraint towards living things . . ." Rhys Davids, *Buddhist India*, p. 36. He has repeated the same thing in P. E. VII.

5) Na Tvevaryasya Dasabhavah. As III, 1 & 11, 1.

mean that he was such an orthodox political philosopher to pronounce that one who is not an Arya (the three higher Varnas, mainly Brahmins) is confined to the status of slavery, but he included sudras in the Aryan society and advocated very liberal ideas for them. Even a member of the highest Varna could be liable for slave status, although his slavery was not a life long slavery. He propounded that slavery is limited to Mlechhas⁶⁾, and he could mortgage or sell his children into slavery while an Arya could not sell or mortgage his child upto the age of eight, therefore born slavery among Arya Varna is out of question. The fact that sudras were not made slaves is not right because they used to do food producing (mainly) and other works that a slave or a Karmakara could do because they did not have any other kind of employment.

Slavery in Arthasastra means that a Mlechha can never be freed and he (Mlechha) is engaged in lifelong slavery but an Arya can get freedom by paying half of the price or by doing work. The reason why Mlechhas were liable for life long slavery was that they were savage and backward⁷⁾.

According to Kautilya there are nine types of slavery.

1. A person captured in a war or a battle was enslaved for a very short period because these persons always used to belong to the Aryan Society in the words of Kautilya and they could attain their Aryatva by paying half of their price or for the consideration of the period served by him in the army and during the period of his slavery. In the text he has mentioned Aryaprano with a slave of war (Dhvjahrita)⁸⁾. It creates

6) Mlechhanam Adosh. Prajam Vikretumadhatumva. III, 13. Dasaklpa As.

7) It seems that Mlechhas were those members of the society who were mere foreigners or belonging to those tribes who were not included in the Aryan Society. It has been a tradition in Indian society it does not accept foreigners very soon. When Aryans arrived in India they captured the aborigines and made their slaves because these aborigines were foreign to them. Mlechha is a very ancient name which had the linguistic distinction and physical distinction who had a very low position in the Indian Society. The invasion of Alexander was just over and may be those foreigners were also regarded as Mlechhas.

8) As. III, 13. R. Shamasastri.

a controversy in the mind because a man brought with the flag could be a native soldier or a foreign soldier and Kautilya has used Aryaprano (of the Aryan Society), but perhaps it may mean that only those slaves of war could buy back (Nishkriya) their freedom who were Aryans.

2. There were the slaves who accepted the slave status for their living. Kautilya has mentioned them as udaradasa ⁹⁾ (slaves for the stomach) which means that they were compelled to choose slavery in order to fill their stomach in the days of distress and poverty. He has also used the word Aryapranam (of the Aryan Society) which means that these types of slaves could attain freedom because an Arya could accept slavery for his living in the days of distress or in famine but he had to serve only for a stipulated period, it seems that it was not true with the Melchha slave.

3. Kautilya mentioned about those slaves who were born slaves (Grihjatah). These were the slaves who were born in the house of the master from female slaves. Although Kautilya has explained that if a master begets a male child on a female slave, she with her child will be freed ¹⁰⁾. Yet it would have been possible that this law was not applied in the society.

4. Bought slaves are also mentioned in Arthasastra. These slaves (Krita) could never attain their freedom in the whole of their life and mostly they were non-Aryans (Mlechhas) who could sell their children into slavery.

5. In ancient times since the age of the Rgveda, the tradition to give slaves in gift prevailed and that is why Kautilya included slaves given in gift (Labdhah) in his treatise.

6. Slaves had been treated as Chattels and they could be inherited from a father to his son, and slaves received in such a manner are described as Dayah-agatah in the Arthasastra of Kautilya. Dayad means given and this would suggest that slaves were given from father

9) *Ibid.*

10) As III, 13. Dasakalpa.

among his sons or to anyone he wanted to give. These types of slaves could never attain freedom.

7. A person enslaved because of the judicial punishment has been mentioned as *dandpraneet* ¹¹⁾. This kind of slavery was of a fixed period because a *Dandapraneet* could be freed by serving his sentence. They were the criminals in the prison. They had to serve like slaves but at the same time Kautilya provides that they could be released after their period of punishment was completed. The crime could be of any kind.

8. Kautilya described about those slaves who enslaved themselves voluntarily by selling themselves ¹²⁾. If a person was rescued from a dangerous situation by another person then the former could become the later ones slave either to repay or because of his distress situation. If the rescued person was a wealthy person then there was no question of slavery. They could also attain freedom after certain period of time and their children remained free (*Arya*) even during his period of slavery ¹³⁾.

9. Mortgaged slaves are described as *Ahitaka* in Kautilya's *Arthashastra*. These types of slaves make a lot of difference between the category of slaves. A mortgaged person was under anyone's bondage only for a short period but a slave could be for a whole life or a short period and even the master's power over a mortgaged person were more limited and well defined than on the slaves. Any Aryan child who is below eight years of age could not be sold or mortgaged ¹⁴⁾. This limitation was created by Kautilya in order to make the institution of slavery milder in comparison to the traditional Indian Slavery. Kautilya could not abolish it completely but tried to put some limitations to protect the slaves and bondmen from the power of the master. (Kautilya or an exposition of social and political ideas by N. C. Bannerji, p. 212)

11) As III, 13. The amount of release money is equal to the money obtained against mortgage.

12) An *Arya* who sells himself. AŚ, III, 13.

13) An *Arya* who sells himself, loses only his personal liberty, his children remain free. AŚ. III, 13.

14) As. III, 13. R. Shamasanty, Ch. XIII.

The mortgaged persons were not given any kind of dirty work to do such as to carry a dead body, garbage, urine or leavings of food and if a master imposed these kind of works from a mortgaged person he could lose the money for which he was mortgaged ¹⁵).

These are the nine types of slaves as described by Kautilya. He has also given a detailed description regarding female slaves in the contemporary period. Female slaves are called *dasi* in Indian (Sanskrit) language and he has given many categories of the female slaves. They are (*dasi*) female slaves working, in the Master's house or the wife of the slave; (*Dhatri*) nurses; (*Ahikamba*) a mortgaged woman; (*Rupajiva*) one lives on her beauty; (*Ganika*) a prostitute. The cause of their slavery was the same as the male slaves and there were many conditions on which they could be manumitted.

The female slaves had to serve in the master's house. They had to cook the food, husk rice, bring water for household use, bathing the master and his family members, washing the floor and each and every household work that needed servile labor. They are described as working both in the kingly Harems and ordinary household ¹⁶). These female slaves were protected by law and they were not given any dirty work to do and if she gave birth to a male child from her master then she along with her child were manumitted, and not only she but her mother, sisters and brothers were also manumitted. If she chose to live in the house of the master ¹⁷). And the son begotten in such a manner was regarded as an *Arya* and he enjoyed the share of the property of his father (master) like the other sons from *Arya*

15) The creditor loses his money if he makes the mortgaged person carry a dead body, garbage, urine or leavings of food; similar is the case of the mortgaged women if they are made to bathe a naked man or if they are beaten or violated. The wet nurse, the maid servant (*paricharika*) are also liable to be released. AŚ, III, 13.

16) Widows, cripple women, girls, mendicants or ascetic women (*pravrajita*) women compelled to work in default of paying fines (*dandapratikarini*) mothers of prostitutes (*devadasi*) who have ceased to attend temples on service shall be employed to cut wool, fibre, cotton, panicle (*tula*) hemp and flax. AŚ, III, 13.

17) If she (the woman who had a male child from the master) chose to live with the master for the family's sake would not only free himself but her mother, brothers and sisters will also be manumitted. AŚ, III, 13.

wife. Devadasis were also existing in the Kautilya's times and they played an important part in the temples.

Nurses were among the female slaves who used to look after the master and his family. She had to bathe and change the master and his family. But then any kind of violation was the cause of punishment and forfeiture of the money for which she was mortgaged or sold¹⁸).

The word Ganika (The Prostitute) has been used here and there with the female slaves¹⁹) (Dasi), therefore it can be concluded that the prostitute also comes under the category of the female slaves. These prostitute were considered as the movable property of the state, because they run their lives under the control of the state. They were used in the politics in the ancient Indian Empires as the female spies and they used to bring certain secrets from the other states. In a way they were obligated to the state under which they ran their lives. Their profession was regulated by a special state officer, the Ganikadhaksha²⁰). They had to obey the king's orders. They used to live in the king's harems and use to accompany him where ever he use to go.

Another name under this category is Rupajiva²¹), (who earns her living by means of her beauty). They were also under the control of the state. There were barmaids²²) too who use to serve wine in state wine shops or private shops and even in the brothels²³). These were the categories of male slaves and female slaves.

There has been a great controversy that whether slaves are different from the hired servants, and this is well explained in Kautilya's Arthasastra. Although in the treatise they both are described as working side by side yet he has drawn a line of difference between them.

18) AŚ, III, 13.

19) Those prostitutes, female slaves and old women who are incapable of rendering any service in the form of enjoyment (bhagnabhogah) shall work in the store-house or the kitchen of the king. AŚ, II, 27.

20) *Op. cit.*, p. 164, Kautilya's Arthasastra, Pt. III, by R. P. Kangle.

21) AŚ, I, 20, 2.4. 11.

22) AŚ, II, 15.

23) Bandhakiposak, they may also refer to the brothal-keepers. The money earned through them was used in treasury. (V. 2, 28).

Slaves are dasas and hired servants are Karmakars and they both differ from social point of view.

Slaves were sold for a life-long slavery while a servant (Karmakar) worked for wages on contract. In a way he was pledged to do a certain amount of work and the power over hired servants was limited. They were similar only in a way that they could not give evidence against their master or enter into any kind of agreement ²⁴). They both were liable for forced labor ²⁵). A laborer (Karmakar) belonged to the Aryan society (Brahamin, Kashatriya, Vairya and sudra) but slaves hailed from Dasa Varna (some sudras and Mlechhas). The slaves could be sold in the foreign countries without their will but a hired servant could not be sent to a foreign land without his will. An Aryan child who did not attain the age of eight could not be sold or mortgaged (his parents may be slaves or servants) but a son of a Mlechha was sold into slavery. Because slaves and hired servants are described as working side by side in the agricultural farms scholars brought the theory that agricultural slavery was prevalent in the times when the Arthasastra was written ²⁶), whereas it has been suggested that India had domestic slavery.

Arthasastra is the only one treatise which provides proprietary rights for slaves. Slaves property could be inherited by their relatives and in the absence of the relatives this was gone in the hands of the state or the master. A son begotten on a female slave had the share of property of the master like the other sons. Moreover what a slave earned without the prejudice of the master belonged to the slave himself ²⁷) or to his children. This earned property could be used in paying the ransom money in order to attain freedom.

24) As III, I to III, 1, *op. cit.*, p. 160, *Sudras in Ancient India*, by R. S. Sharma.

25) *Dasakarmakaravargasca Vistih-As*, 11. 15.

26) *Manu and Yajnavalkya*, by K. P. Jaiswal, p. 209, referred also in *Sudras in Ancient India*, by R. S. Sharma, p. 165.

27) a) If a slave works for others and earns the money without the master he can keep the money, it goes to his children or in the absence of the children his kinsmen can keep it. *AS*, III, 13.

b) This is in contrast with manu who declares that whatever belongs to the slave

Not only this but he also tried to protect slaves by imposing certain laws against the master's power over his slave and made the manumission more easier than it was in the traditional Indian slavery. A slave could attain emancipation by paying a ransom money or after serving a fixed period of slavery. But at the same time, as one can observe, he tried to protect Arya Varna from the bondage of slavery because these protective rules were not useful for a Mlechha slave.

He did create a revolutionary change in the condition of the female slaves. The most important change was this that a female slave could get manumission if she gave birth to a male child²⁸⁾ (it was only in the case of a male child), and if a master attempted to abort the fetus he was punished with the first degree murder²⁹⁾. If a master violated a young unmarried girl, then he forfeited the money for which she was sold and was liable for a fine; not only this but he had to pay a full amount of money for her marriage³⁰⁾. Thus Kautilya is a very liberal political law giver who took a bold step to abolish the institution of slavery.

There is a lot of difference in the ideas between Kautilya and classical philosophers Plato and Aristotle regarding the institution of slavery. Kautilya did not agree with them on the point that there could be a group of some people of human race who was born only to serve another group of people³¹⁾. According to Aristotle slaves are the tools of the property but Kautilya does not have an idea like this. Aristotle was of the opinion that "A slave is a living possession"

is of the master. Katyayana approves that what a slave earns without the prejudice of the master belongs to the slave. KSS. 724.

28) If a female slave gives birth to a male child by her master, she was given freedom. AŚ, III, 13.

29) Trying to give medicine in order to abort the fetus of the female slave was punished with the first amercement. AŚ, III, 20.

30) The first amercement will be inflicted on a person who violates a mortgaged wet nurse living under his protection, the second if the mortgaged nurse is living under the protection of another person. The creditor accused of violating a mortgaged virgin or having her violated by another person loses his money and (he should pay) the price of marriage and twice this amount as a fine. AŚ, III, 13.

31) *Aristotle's politics*, book I, ch. 1-4.

and that "he who is by nature not his own but another"³²), and a slave has no other function but to serve his master (which is the only virtue of his life); whereas the slave of the Arthasastra can perform other function too i.e. a slave can manage for his emancipation by trying to earn money without the prejudice of his master. Therefore he has revolutionary and liberal ideas in comparison with the foreign politician philosophers too.

In a way Kautilya's ideas on slavery reflect a revolution of the slaves for freedom and a systematic attempt to abolish this institution for all in a secular state³³).

This was the main reason that Megasthenese wrote in his account that Indians did not keep slaves. Some scholars are of the opinion that the reason why he could not see the institution of slavery could be that he was followed Tacitus's *Germania*³⁴) in his account. He had the idea of the classical slavery in his mind, when he visited India, and because this institution was milder than he thought, therefore he wrote that there were no slaves during 3rd Century B.C. Arrian³⁵) who came later also stated that slaves were not employed by any Indian because he followed the accounts of Megasthenes. Onesikritos states that only the people of Mousikanos³⁶), did not keep slaves which is the large part of modern Sindh³⁷).

Therefore it can be concluded that slavery did exist in ancient India but it was domestic and milder and Kautilya's liberal laws and Asoka's religious policy made it so unnoticable that the classical writers had to acknowledge that there was no slavery in Ancient India.

32) *Aristotle's politics*, book 1, ch. 4, par. 2. *Op. cit.*, p. 228, "The origin of the inequality of the social classes", by Gunnar Landtman.

33) *History of Indian Public Life*, by O. N. Ghoshal, Ch. IV, p. 68.

34) Jolly and Schwidt, *Arthasastra edition*, Vol. I, Introduction, p. 38. *Op. cit.*, p. 320, study in *Indian History and Culture*, by O. N. Ghoshal.

35) McCrindle, *Ancient India as described by Megasthenes and Arian*, pp. 211-3, Frag. 10.

36) McCrindle, *Ancient India as described in Classical Literature*, p. 58, Strabo, Frag. 54.

37) See *Sudras in Ancient India*, p. 167, by R. S. Sharma.